THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15832 of 2005

DATE: 04.08.2005

Between:

Seemkurthy Paparao S/o Venkata Raju
R/o 27-6-9/1, Vaddadivari Lane, Temple Street,
Kakinada, East Godavari District

..... PETITIONER

AND

Kakinada Municipal Corporation, Kakinada,
East Godavari District rep by its Commissioner

.....RESPONDENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15832 of 2005

ORDER:

Heard both sides.

This writ petition is filed by the petitioner seeking a Writ of *Mandamus* declaring the action of the Officials of the respondent- Corporation in taking steps to demolish the extra floor of the building bearing Door No.27-4-10 & 11 (old), Temple Street, Kakinada, East Godavari District, as illegal, arbitrary and contrary to law, and consequently direct the respondent-Corporation not to demolish extra floor of the building and consider his application for regularizing the construction of extra floor of the building.

According to the petitioner, he along with one Seemakurhty Bhaskara Rao and others entered into a partnership to carry on business in construction, sale and lease of apartments, shopping arcades and commercial complexes etc. The petitioner and the said Bhaskara Rao purchased an extent of 1516.39 Square yards of site in Temple Street, Kakinada, East Godavari District. He submitted a plan to the respondent-Corporation for the purpose of constructing Apartments (Ground + 2 floors). The respondent- Corporation approved his plan on 31.05.2004. While making the construction, as there are some deviations, he constructed an extra floor in addition to the approved plan. Therefore, he made a representation to the respondent to regularize the construction. But, however, pending disposal of the said representation, the respondent-Corporation is taking steps to demolish the extra floor constructed by him, without following the due procedure contemplated under Section 452 of the Hyderabad Municipal Corporation Act, 1955.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondent-Corporation to consider the application of the petitioner, if it is in order, as per the provisions of the Act, and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioner. Till such time, the respondent-Corporation is further directed not to demolish the deviations made by the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

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Elipe Dharma Rao, J

Date: 04.08.2005

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